

REMARKS

Claims 27 through 52 are pending in this Application, of which claims 27 through 47 have been allowed. Claim 48 has been amended. In addition, the specification has been amended consistent with the Examiner's suggestion. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, FIGs. 1 and 3, ¶¶ [0005], [0006], [0009], [0021], [0036], and [0046] of the corresponding U.S. Publication No. 2002/0193102. Applicants submit that the present Amendment does not generate any new matter issue or any new issue for that matter, and places the Application in clear condition for immediate allowance. Accordingly, entry of the present Amendment and favorable consideration are solicited pursuant to the provisions of 37 C.F.R. §1.116.

Telephonic Interview of June 24, 2010.

Applicants express appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on June 24, 2010. During the interview, the Examiner indicated that Applicants can amend the specification to include the recitation of "a computer-readable storage medium" to overcome the rejections. It is with that understanding that the present Amendment is submitted.

Claims 48 through 52 were rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

In stating the rejection, the Examiner asserted that claims 48 through 52 recites a computer-readable storage medium that can be interpreted as transitory signals, directed to non-statutory subject matter. This rejection is traversed.

Specifically, independent claim 48 has been clarified by reciting “a non-transitory computer-readable storage medium”, which constitutes statutory subject matter under 35 U.S.C. §101. Applicants therefore solicit withdrawal of the rejection of claims 48 through 52 under 35 U.S.C. §101.

Claims 48 through 52 were rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support.

In the statement of the rejection, the Examiner asserted that the phrase “a computer-readable storage medium” is not described in the specification. This rejection is traversed.

Initially, literal support is not required by the statute. *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d at 923; *Regents of the Univ. of Cal. v. Eli Lilly & Co.*, 119 F.3d 1559, 1566-67 (Fed.Cir.1997). An applicant need not utilize any particular form of disclosure. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed.Cir.2008) (quoting *In re Alton*, 76 F.3d 1168, 1172 (Fed.Cir.1996)).

In applying the above legal tenets to the exigencies of this case, Applicants submit that one having ordinary skill in the art would have recognized that Applicants had possession of the claimed invention at the time the Application was filed. Applicants respectfully submit that the specification describes a data storage means 7 which constitutes “a computer-readable storage medium.”

At any rate, the recitation “a computer readable storage medium” has been clarified by reciting “a data storage means 7 (i.e., a non-transitory computer-readable storage medium, such as a memory, disk, etc.)”, which is fully supported by a data storage means 7 of a mobile station 1 recited in the originally filed disclosure. Applicants therefore submit that the imposed

rejection of claims 48 through 52 under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support is not factually viable and, hence, solicit withdrawal thereof.

Claims 27 through 52.

Applicants acknowledge with appreciation the Examiner's allowance claims 27 through 47, and the Examiner's indication that claims 48 through 52 would be allowed if rewritten to overcome the pending rejections under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph. By the present Amendment, claims 48 through 52 have been rewritten to overcome the pending rejections under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph. Accordingly, all claims are now in condition for allowance.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and, that all active claims are in condition for immediate allowance. Favorable consideration therefore is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

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